

C A No. Applied For
Complaint No. 516/2024

In the matter of:

MohdAzeemComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.K Khan, Member (Tech.)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 25th February, 2025

Date of Order: 03rd March, 2025

Order Pronounced By:- Mr. P.K. Singh ,Chairman

1. The present complaint has been filed by Mohd. Azeem against BYPL-Laxmi Nagar.

2. The brief facts of the case giving rise to this grievance are that the complainant applied for New electricity connection vide request no. 8007130901 at premises no. 12, J-Extension, S/Floor, Ramesh

Attested True Copy Park, Laxmi Nagar, Delhi -110092.

Secretary
CGRF (BYPL)

[Handwritten signatures]

The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD list-Owner/ Builder J-12 (Part), J-Extn. Part-II, Laxmi Nagar, U/c in the Shape of GF, FF, SF, TF & 4th floor finishing work is being carried out and dues at site, but complainant stated all objections raised by respondent are false as earlier one new connection has been installed at the same premises.

3. The respondent in reply briefly stated that the complaint has been filed by the complainant seeking for new DX connection at the premise no. 12, J-Extension, S/Floor, Ramesh Park, Laxmi Nagar, Delhi -110092. The application of the complainant for new connection was rejected on the pretext of **Firstly:** applied premises is under MCD booking list dated 05.07.2018 at serial no. 135 in the name of owner/builder in the nature of U/C in the shape of GF, FF, SF, TF & 4th Floor **Secondly:** pending energy dues against the CA No. 151419462 in the name of Renu Gupta.


Hence, violation of the provisions of electricity act & regulation framed in respect thereto i.e. Delhi electricity regulatory commission,

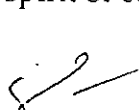


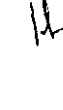
4. Counsel for the complainant filed rejoinder refuted the contentions of the respondent as averred in their reply and submitted that his premises is not booked by MCD and dues of connection CA No. 15149462 amounting to Rs. 14040/- done not pertain to the complainant. Along with rejoinder the complainant filed order of this Forum in the matter of Samina Vs BYPL in CG No. 376/2024 pertaining to the same premises where Forum on the basis of the site visit report filed by OP in which OP stated that there are four buildings existing of the same address J-12, Gali No. 12, J-extension part-II, with structure G+4. OP has also sent mails to MCD on 30.11.2023 and 02.02.2024 for providing details of MCD booking but received no response from MCD.

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5. Heard arguments of both the parties at length.
6. Forum vide their order dated 12.02.2024, observed that there are four premises of same address and only MCD can clarify which property is booked by them. As no reply from MCD is received against the mails of OP dated 30.11.2024 and 02.02.2024, Forum don't find any justification to deny complainant of her right of basic amenity of livelihood unless it is confirmed that out of four properties of same address it is only the property of complainant which is booked by MCD. On the other side the copies of bills placed by the complainant on record show that OP has released connections in the same premises even after alleged booking of 2018, in the year 2019. In the fact and circumstances afore4said, we are of the view that the respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future MCD takes any action against the complainant's property then OP should be at liberty to disconnect the supply of the complainant.
7. Since this Forum has already released the connection on the first floor of same property vide above stated order. Therefore, the connection applied for by the complainant in the present case on second floor can also be released on the same grounds. Therefore, OP is hereby directed to grant the applications of the complainant for electricity connections in the applied premises.
8. Water and electricity is integral part of right of life. Hon'ble Supreme Court in the matter of Dilip (dead) LR Vs Satish, in the case no. SSC 810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.

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Complaint No. 516/2024

9. Therefore, respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future MCD takes any adverse action against his property then OP should be at liberty to disconnect the supply of the complaint.

ORDER

The complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. 8007130901 at premises no. 12, J-extension, second floor, Ramesh Park, Laxmi Nagar, Delhi-110092 after completion of all the commercial formalities required for giving connection as per DERC Regulations 2017 and submitting the undertaking by the complainant regarding the fact that if in future any authority takes any action, OP will be free to disconnect the new electricity connection without any further notice.


This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H. S. SOHAL)
MEMBER
Attested True Copy


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN


Secretary
CGRF (BYPL)